

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Patrick Jung et al.

Title: SOLDERED REFRIGERANT CONDENSER

#7

Appl. No.: 10/508,921

Filing Date: September 24, 2004

Examiner: Unknown

Art Unit: Unknown

**PETITION FOR FILING WHEN AN INVENTOR REFUSES TO SIGN OR
CANNOT BE REACHED UNDER 37 C.F.R. § 1.47(a)**

Mail Stop: PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The following joint inventor for the above-captioned patent application is a nonsigning inventor who refuses to join in the present application:

Alain MAURER

Pursuant to 37 C.F.R. § 1.47(a), Applicant hereby petitions for consideration of the Declaration and Power of Attorney submitted herewith, which has been signed by all of the joint inventors of the above-captioned patent application except Alain MAURER, and has been signed by all of the available inventors (as indicated by inventor Patrick Jung) on behalf of inventor Alain MAURER.

In support of this petition, Applicant submits that:

1. The Declaration and Power of Attorney submitted herewith has been signed by all of the available joint inventors and for and on behalf of the nonsigning inventor (Alain MAURER).

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MPEP § 409.03(a) states that "[a]n oath or declaration signed by all of the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all of the available joint inventors on behalf of the nonsigning inventors, unless otherwise indicated." In the present instance, the Declaration has been signed by all of the available inventors, who have signed on behalf of the missing inventor. Thus, Applicant respectfully submits that the submitted Declaration and Power of Attorney is in support of an "application [] made by the other inventor on behalf of himself or herself and the nonsigning inventor," pursuant to 37 C.F.R. § 1.47(a).

2. On information and belief, numerous attempts were made by members of the Patent Department of the assignee of this application (Behr GmbH & Co.) to obtain the signature of inventor MAURER, by sending him, at his last know address (which is believed to be his current address), copies of the application and Declaration. Mr. MAURER is a former employee of Behr GmbH & Co., and has an obligation to assign to his employer all inventions made during his employment. In connection with each attempt to obtain a signature from Mr. MAURER, he did not return any communication to those who sent the Declaration. These refusals to communicate with the assignee of this application must be accepted as a refusal by Mr. MAURER to sign the application.

Pursuant to 37 C.F.R. § 1.47(a) and MPEP §§ 409.03(a) and 409.03(d), the foregoing statement sets forth facts to support a bona fide attempt made to present the application papers and obtain signatures from Alain Maurer, and Alain Maurer's effective refusal to execute the application papers.

3. A Statement of the Last Known Address of Nonsigning Inventor Pursuant to 37 C.F.R. § 1.47(a) is:

5, impasse de l'Eglise
F-67290 Weislingen, France

4. The petition fee required by 37 C.F.R. §1.17(g) is enclosed herewith. The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit

Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date September 26, 2005

FOLEY & LARDNER LLP
Washington Harbour
P.O. Box 25696
3000 K Street N.W., Suite 500
Washington, D.C. 20007-8696
Telephone: (202) 672-5300
Facsimile: (202) 672-5399

By



Richard L. Schwaab
Attorney for Applicant
Registration No. 25,479